

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

GERRY MOBLEY, JR.,	:	
Plaintiff	:	
	:	
v.	:	CIVIL NO. 1:14-CV-615
	:	
JAMES BARNACLE, <i>et al.</i> ,	:	
Defendants	:	

O R D E R

AND NOW, this 27th day of June, 2016, upon consideration of the report and recommendation of Magistrate Judge Schwab (Doc. 48), filed on June 7, 2016, to which no objections were filed, and upon independent review of the record, it is ORDERED that:

1. Magistrate Judge Schwab's report and recommendation (Doc. 48) is adopted.
2. The following claims may proceed:
 - a. Count I – First Amendment retaliation claim against Defendant Booher.
 - b. Combined Counts IV and IX – Eighth Amendment excessive force claim against Defendants Booher, Nickum, Younker, and Myers.
 - c. Count X – Eighth Amendment failure-to-train claim against Defendant Younker.
 - d. Count XI – State law intentional tort claims for assault and battery against Defendants Younker and Myers.

e. Count XII – State law intentional tort claim for intentional infliction of emotional distress against Defendants Booher, Nickum, Younker, and Myers.

3. All other claims and defendants are DISMISSED WITH PREJUDICE.

4. The above-captioned matter is remanded to the magistrate judge for further proceedings.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge